

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

LATASHA COLVARD,	:	
	:	
Plaintiff,	:	CASE NO.
	:	
v.	:	JUDGE
	:	
WENDY’S INTERNATIONAL, LLC, ET	:	
AL.,	:	
	:	
Defendants.	:	

NOTICE OF REMOVAL TO THE UNITED STATES DISTRICT COURT

Defendants Wendy’s International, LLC and Wendy’s Properties, LLC (“Defendants”), pursuant to 28 U.S.C. §1332, §1441, and §1446, submit their Notice of Removal of this case from the Circuit Court of Cook County, Illinois to the United States District Court for the Northern District of Illinois. In support of this Notice of Removal, Defendants state as follows:

1. On or around June 13, 2022, Plaintiff Latasha Colvard, filed her Complaint at Law with the Circuit Court of Cook County, Illinois, Case No. 2022L005306 (the “State Action”), against Defendants, which was served upon defendants June 27, 2022
2. Plaintiff alleges she fell and was injured while in a store owned and operated by the Defendants. (Complaint at ¶¶ 3 of each separate Count).
3. In accordance with 28 U.S.C. § 1446(a), copies of the Summons, Complaint at Law, and all other papers served upon Defendants or filed in the State Action are attached as Exhibit “A”.
4. This Notice of Removal is filed in accordance with 28 U.S.C. § 1441(b) and 28 U.S.C. § 1446.

5. Plaintiff alleges at all times relevant to the State Action she was a resident of Cook County, Illinois. Based upon information and belief, Plaintiff is a domiciled citizen of Illinois.

6. Defendant Wendy's International, LLC, is an Ohio limited liability company. Wendy's International, LLC's sole member is Wendy's Restaurants, LLC, a Delaware limited liability company with its principal place of business in Ohio. Wendy's Restaurants, LLC's member is The Wendy's Company, who is domiciled in the state of Delaware.

7. Defendant Wendy's Properties, LLC, is a Delaware limited liability company whose sole member is Defendant Wendy's Funding, LLC, which is also a Delaware limited liability company. Both companies have their principal place of business in Dublin, Ohio.¹

8. Therefore, for purposes of removal, Plaintiff and Defendants are citizens of different states.

9. Although Plaintiff does not allege a specific amount of damages, Plaintiff's counsel affirmatively states in her Supreme Court Rule 222(b) affidavit attached to her Complaint at Law that the "total money damages sought in this matter exceeds \$50,000."

10. Additionally, in her Complaint at Law, Plaintiff seeks damages for "severe and permanent injuries" and that she is liable for and will expend "large sums of money for medical

¹ Wendy's Funding, LLC (DE) has one member – Wendy's SPV Guarantor, LLC (DE).

Wendy's SPV Guarantor, LLC (DE) has one member – Oldemark LLC (DE).

Oldemark LLC (DE) has one member - Wendy's International, LLC (OH).

Wendy's International, LLC (OH) has one member - Wendy's Restaurants, LLC (DE).

Wendy's Restaurants, LLC (DE) is owned by The Wendy's Company (DE), a corporation with its principal place of business in Ohio and organized in Delaware. Each entity is incorporated in Ohio with its principal place of business in Ohio; none are Illinois corporate citizens.

care and services” as a result of the matters alleged in her Complaint at Law. (See, e.g., Complaint at Count IV, ¶ 10.)

11. All that is required for removal based on diversity of jurisdiction is a “reasonable probability” that more than \$75,000 is in controversy. *See Rising-Moore v. Red Roof Inns, Inc.*, 735 F.3d 813, 815 (7th Cir. 2006).

12. Removal of this case is proper under 28 U.S.C. § 1441 and 28 U.S.C. § 1332, because complete diversity of citizenship exists between the Plaintiff and Defendants, and a reasonable probability exists that the amount in controversy exceeds \$75,000.00, exclusive of costs and interest.

13. All Defendants consent to the removal of this case.

14. This Notice of Removal is timely filed by Defendants within the timeframe allotted by this Court pursuant to 28 U.S.C. §1446(b).

15. The undersigned has served notice of the removal of this action on Plaintiff by serving her counsel with this Notice of Removal and has filed a copy of this Notice of Removal with the Clerk in the State Action. A copy of the Notice of Filing of the Notice of Removal is attached hereto as Exhibit “B.”

16. As this action asserts, a claim between diverse parties for an amount greater than the jurisdictional threshold, the requirements of 28 U.S.C. § 1332, have been satisfied and removal to this Court is proper.

WHEREFORE, Defendants respectfully request that this case be entered upon the Docket of the United States District Court for the Northern District of Illinois, pursuant to 28 U.S.C. § 1441 and 1446.

Defendants demand a trial by jury.

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CERTIFICATE OF SERVICE

I hereby certify that on July 21, 2022, I electronically filed the foregoing Notice of Removal with the Clerk of the Court using the PACER CM/ECF system and will send notification of such filing to the following:

/s/ Shimon B. Kahan

Shimon B. Kahan

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